



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

May 28, 1998

Mr. Matthew C. G. Boyle
Boyle & Lowry, L.L.P.
4201 Wingren, Suite 108
Irving, Texas 75062-2763

OR98-1323

Dear Mr. Boyle:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 115317.

The City of Farmers Branch (the "city") received two requests for information regarding the investigation of a particular homicide. You contend that the requested documents are excepted from disclosure under sections 552.107, 552.108 and 552.111¹ of the Government Code. We have considered the exceptions you claim and have reviewed the documents at issue.

Section 552.108 of the Government Code provides in part:

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of Section 552.021 if:

(1) release of the information would interfere with the detection, investigation, or prosecution of crime;

(2) it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication;

...

¹We observe that in subsequent briefing, you raise section 552.103. A governmental body may not raise additional exceptions after the 10 business day deadline, absent a showing of a compelling interest. Open Records Decision No. 515 (1988).

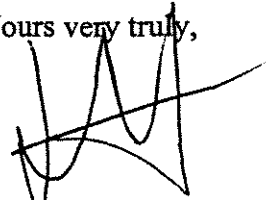
(c) This section does not except from the requirements of Section 552.021 information that is basic information about an arrested person, an arrest, or a crime.

Gov't Code § 552.108. You state that the case at issue is currently scheduled for review by the Dallas County Grand Jury at some future date. We understand this case to be an ongoing prosecution. We have examined the documents and under these circumstances, we conclude that section 552.108(a)(1) is applicable to the submitted documents.²

We note, as you have addressed in your briefing to office, that information normally found on the front page of an offense report is generally considered public. See Gov't Code § 552.108(c); *Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976). Consequently, you inform us that you have released the type of information that is considered to be front page offense report information, even if the information was not actually located on the front page of the offense report. Although section 552.108(a)(1) authorizes you to withhold the remaining information from disclosure, you may choose to release all or part of the information at issue that is not otherwise confidential by law. See Gov't Code § 552.007.³

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have any questions about this ruling, please contact our office.

Yours very truly,



Janet I. Monteros
Assistant Attorney General
Open Records Division

JIM/glg

Ref: ID# 115317

²We note that one of the exhibits, "Folder A 28," does not appear to be responsive to the request.

³As we address the issues presented under section 552.108 of the Government Code, we need not address the remaining exceptions.

Enclosures: Submitted documents

cc: Ms. Birgit McKee
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